

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 9-16 are currently pending, wherein claims 9, 15 and 16 are independent.

I. Claim Rejections Under 35 U.S.C. § 112

The Office Action rejects claims 9-16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Specifically, the Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as enable one of ordinary skill in the art to which it pertains or with which it is most nearly connected, to make and/or use the invention.

Applicants respectfully assert that the specification is replete with sufficient written enablement for the claimed invention as currently claimed, including, for example a "lookup table" which is composed of characteristic points which are points indicating the relationship between supplied image data and output data which are determined to be impossible to be interpolated when a processor converting image data is performed. Such support may be found for example at page 9, second paragraph beginning at line 8 and page 11, second paragraph beginning at line 9, for example. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 9-16 under 35 U.S.C. § 112, first paragraph.

II. Claim Rejections Under U.S.C. § 103

The Examiner has rejected claims 9-16 under 35 U.S.C. § 103(a) as being unpatentable over Bhattacharjya (U.S. Patent No. 5,809,213), hereinafter the '213 patent in view of Horikawa (U.S. Patent No. 5,744,130) hereinafter the '130 patent. This rejection is respectfully traversed.

As Applicants have repeatedly asserted the '213 patent fails to make any disclosure that the measured or augmented sample points are characteristic points as claimed. Quite to the contrary, and as previously asserted, the '213 patent discloses a method of applying a non-linear interpolation technique to a relatively small number of measured sample values

generated from the color image patches to provide a color look-up table having a larger number of calibration value stored therein.

The mere fact one or more of the augmented sample points may, *in arguendo*, be a characteristic point as claimed is not equivalent to disclosing that the look-up table contains only characteristic points. The augmented sample points 74a-74k, as illustrated in FIG. 2a of the '213 patent, clearly include *non-characteristic points*. Therefore, a look-up table composed of characteristic points does not necessarily flow from the disclosure of the '213 patent. As such, the Applicants respectfully assert that the '213 patent is non-analogous and accordingly the Examiner has failed to meet his burden under a *prima facie* case of obviousness to which he has attempted to apply the '213 patent.

In addition, the secondary reference applied under § 103, that is the Horikawa reference or the '130 patent, fails to make-up what is lacking with regards to the '213 patent to render the claimed invention as recited in claims 9-16 obvious. That is to say that the '213 patent has been applied in combination with the '130 patent, and the '130 patent either in combination or exclusively, fails to render the claimed invention obvious. More specifically, the Examiner allegedly asserts that '130 patent discloses assigning characteristic points where a curve changes more than a threshold angle (FIG. 4a and 4b) so that one can perform interpolation between the points (col. 4, lines 33-44).

However, a close review of the '130 patent, discloses a system of providing a computer animation modeling technique whereby as an object advances into the foreground in the computer display field, the more the object requires greater graphic detail reproduction and animation. That said, and as far as the basis by which the '130 patent showing "characteristic points" may be understood, the Examiner has asserted that the motivation found for using the '130 patent for the claimed "character points that cannot be interpolated" is to allow a user to save time and still produce an image of acceptable quality if high quality is not desired. See, for example, Horikawa ('130 patent) at col. 1, lines 15-54.

However, and assuming *in arguendo*, that this particular motivation may be applied to the instant argument, which Applicants do not concede, such argument still does not render Applicants' claimed invention obvious either directly or by equivalents. That is to say, and as

far as the '130 patent is understood, it appears that the computer animation modeling system overlooks a number of points for resolution of a drawing lines, or interlineations, and or other connections, where a data point may be wholly discounted. However, with Applicants' claimed invention, such a characterization where a data point is wholly discounted is not accurate, but instead the invention focuses upon an aspect where certain data is separated for a specific processing convention and special handling.

Therefore, Applicants respectfully assert that the combination of the '213 patent with the '130 patent is fatally flawed for at least the basis that both the '213 and the '130 patent fail to render Applicants' claimed invention obvious for failing to meet the burden under a *prima facie* case under § 103, as well as the choice of attempting to combine the '130 patent which appears to be non-analogous art to the claims of Applicants' claimed invention.

Therefore, Applicants respectfully request the withdrawal of the rejection of claims 9-16 under § 103 over the '213 patent in view of the '130 patent.

As to claims 10-14, which depend from independent claim 9, it is respectfully asserted that the rejection of claims 10-14 also fail for the same basis with regards to independent claims 9, 15 and 16. Therefore, Applicants respectfully request the withdrawal of the rejection of claims dependent claims 10-14 for at least the same basis with regards to independent claims 9, 15 and 16, as well as for the additional limitations recited therein.

III. Conclusion.

All matters having been addressed in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' undersigned representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains an issue in which the Examiner feels would be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

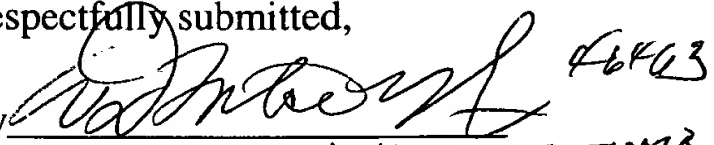
Application No. 09/944,341
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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